

DRI for Life: Is It Time to Take a Fresh Look at Your Parental Leave Policy?

By Sara M. Turner and Caldwell Collins

There can be no doubt that parental leave has become one of the most important benefits any business must evaluate when it comes to recruiting and retaining quality employees—be they male or female. Maintaining an antiquated parental leave policy is sure to inhibit your firm’s or business’ opportunities, not only with the potential talent pool, but also with clients. Implementing a well-constructed, progressive policy can bring the best lawyers to your door looking for jobs and it can also ensure that you maintain quality work for your clients during inevitable periods of parental leave among your employees.

In 2014, Baker Donelson’s Women’s Initiative decided that it was time to revisit our decade-old parental leave policy. While the policy was still competitive in our market, offering 12 weeks of leave for primary caregivers, we wanted to do more to improve the success of our attorneys’ leaves. To determine what changes needed to be made, we looked at what other law firms across the country were offering, and then did a deeper dive into nonlegal fields. We held meetings with attorneys at our firm to determine how our policy could better fit their lives and practices. Our goals were improved recruitment, retention, and client service surrounding leave.

In October 2014, after going through more drafts than we can remember, we implemented a market-leading parental leave policy, which increased the amount of parental leave available to primary caregivers from 12 weeks to 16 weeks. But the unique and most exciting part of the policy was a change from a one-size-fits-all model to a leave policy that could be tailored to the individual attorney’s life and practice. Specifically, our leave policy now permits leave to be taken intermittently in the 40 weeks surrounding a child’s birth. That language provides attorneys with the opportunity to ramp down work as leave approaches, stay in touch with clients as leave progresses, and transition back to full-time work at their own pace.

Since the policy’s inception, 40 individuals—associates and shareholders alike—have taken successful leaves under its terms. Our attorneys report that they felt more freedom both during the initial months of leave and while transitioning back to work, as they were able to address necessary case tasks while knowing that the banked leave time could be spent with their children months later. They also relay that their clients were not negatively affected

by their absences in the same way that they may have been had the leave been taken all at once without the opportunity to stay involved.

Paid parental leave is gaining traction on the national stage. It is an absolutely vital component to any law firm or business, no matter the size. After living through the experience of updating our own firm’s leave policy, here are our top tips of what to consider when evaluating your parental leave program and implementing a new one.

Establish your goals. Knowing what you want out of a parental leave policy is the first step. Do you want to retain your best talent? Do you want to minimize the effect leave has on your clients? Do you want to make your policy gender-neutral? All of the above?

Evaluate your current policy. What works well? Where have you had hiccups? Are you clients being served well by your policy? Are your employees happy when they transition back to leave? We examined these questions as a starting point in our research.

Look at your employee mix. What are your demographics? What kind of employees typically take leave? Your policy may need to be tailored depending on who you are serving.

Consider the gender issue. A gender-neutral policy is not only the best bet legally, but it will help the men and women in your office by removing outmoded stereotypes surrounding caregiving.

Look at your competitors. What is the guy next door doing? Are you ahead or behind? Competitor policies offer helpful benchmarks in drafting your new language and give you support for the proposal you present to your management team.

Phone a friend. Some fantastic ideas came from friends at other law firms and businesses. Call yours to find out how what creative solutions they’ve employed.

Make the business case for offering more leave. When we did research into the economics of offering more leave to our employees, we found a monetary benefit in offering longer leave to keep our best talent.

Make sure you’re legal. When drafting your leave policy, be sure to evaluate the applicable employment laws to make sure you are compliant.

Tap mentors. One of the best decisions we made was to create “parental leave advisors” in every office. They serve as mentors to attorneys taking leave, assisting them before leave begins



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and as it progresses. They know the policy inside-out and can answer the tough questions.

Get buy-in from human resources.

Your HR department will be your partner in implementing your new policy. Keep them involved as you make big decisions.

Conduct trainings. After the policy is in place, train until you can train no more. Train your management, train your leaders, train your mentors, and conduct a thorough rollout to your employees as a whole. We offered Q&A sessions after each training.

Measure success along the way. To ensure that our leave policy is successful, we monitor every leave that is taken to make sure that the intermittent policy is used as intended, the transition goes well, and to uncover any surprises. We also monitor the overall statistics to learn how our goals are being achieved. For example, we were pleasantly surprised to learn that, of the 40 individuals taking leave in the first year, 22 of them were men. Our previous, non-intermittent policy was underutilized by nonprimary caregivers, who receive three weeks of parental leave surrounding the birth, adoption, or foster of a child. Now that they are able to take the leave as needed in the months following birth, nonprimary caregivers report that the leave is much more attractive and useful to them. The fact that our new policy is being used by more men than women is the first step to a truly gender-neutral leave policy in *practice*, and we could not be more thrilled with the results.

Changing an older leave policy or creating a brand new one can seem like a daunting task, but your clients will be best served by knowing that there is a smooth transition plan in place for their most important files. Finally, both your clients and your firm or business will be most successful by recruiting and maintaining the best of the best—irrespective of gender.

